

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION)	
TO DETERMINE WHETHER IT IS)	CASE NO. CTC-T-05-2
REASONABLE FOR FRONTIER)	
COMMUNICATIONS OF IDAHO TO)	
PROVIDE TELECOMMUNICATIONS)	ORDER NO. 29845
SERVICE TO CUSTOMERS LOCATED IN)	
<u>THE TAMARACK RESORT</u>)	

The Idaho Public Utilities Commission on its own motion and pursuant to *Idaho Code* § 61-503 hereby opens a case to investigate whether Citizens Telecommunications Company of Idaho, Inc. dba Frontier Communications of Idaho ("Frontier") should be required to provide telecommunications service to requesting customers located in the Tamarack Resort in Valley County. The Commission has received three consumer complaints from individuals in the Tamarack Resort unable to receive telecommunications service from Frontier upon request. In addition, the Commission received a Petition from Matthew Castrigno requesting an Order that would require Frontier to provide telecommunications service to the Tamarack Resort. Case No. TAM-T-05-1.

Presently, Frontier lacks the facilities to provide service to these potential customers. *See* Order No. 29808 at 3. The purpose of this case is to determine whether it is reasonable to require Frontier to provide the requested telecommunications service.

As the incumbent local exchange carrier (ILEC), Frontier is obligated to provide telecommunications services to any potential customer requesting such service within Frontier's certificated area. *Idaho Code* § 61-526. Further, the Commission may require Frontier to make any additions, extensions, and improvements to its facilities that "ought reasonably to be made" or to require new facilities "to promote the security or convenience of its employees or the public." *Idaho Code* § 61-508. The Idaho Supreme Court has concluded that this requirement applies to areas within a utility's established service area, and it also requires evidence showing that the utility will be insured a fair return on its investment. *Murray v. Public Utilities Commission*, 27 Idaho 603, 150 P. 47 (1915).

Moreover, as an eligible telecommunications carrier (ETC), Frontier has additional service obligations it must meet in order to be eligible for universal service funding. This

Commission recently determined that these obligations include the obligation to provide service upon reasonable request. *See* Order No. 29841 at 8-9.

Based upon Mr. Castrigno's Petition and the customer complaints, the Commission directs Frontier to respond to the following questions:

1. Is Frontier willing to provide telephone service to the Tamarack Resort?
 - a. If yes, under what conditions?
 - b. If no, then why does Frontier believe it is reasonable to decline the requests for service?

Further, the Commission directs Staff to conduct an investigation to determine whether it is reasonable for Frontier to provide service to the Tamarack Resort. This investigation will include determining the investment required to enable Frontier to provide service and the effect such investment will have on the rates paid by its customers.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10th day of August 2005.



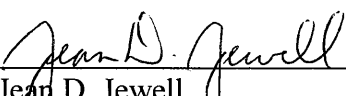
PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER

Out of the Office on this Date
DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:CTC-T-05-02_kdp